THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.13199 of 2005

Dated:04.08.2006

Between:
N.Sharada Bai.

..... PETITIONER

AND

The Joint Collector-II, Ranga Reddy District, Lakdikapool, Hyderabad, and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.13199 of 2005

ORDER:

This Writ Petition is filed being aggrieved by certain directions issued by the Joint Collector while deciding the 6-A proceedings, dated 09.06.2005. The said order reads as under:

> "In view of the foregoing facts and circumstances, it is hereby order for confiscation of 100% of the seized stocks worth Rs.13,709/- in favour of Government and remit the amount in the shape of D.D drawn in favour of the Joint Collector, Ranga Reddy District and to initiate action under Section 7 of the Essential Commodities Act, 1955.
>
> The R.D.O.Chevella Division is directed to cancel the authorization of Fair Price Shop Dealer No.344 and the A.S.O.Circle I Balanagar, Ranga Reddy District is directed to cancel the N.R.License in respect of N.R.Shop No.894 with immediate effect and report compliance."

The grievance of the petitioner is that in 6-A proceedings like this,

the Joint Collector either can confiscate the goods, or release them if the petitioner is found not guilty. But he has no power while dealing with the matter under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act'), to direct the Revenue Divisional Officer to cancel the authorization of Fair Price Shop No.344 and direct the A.S.O to cancel the N.R licence in respect of N.R.Shop No.894 with immediate effect and report compliance. In fact, the petitioner, being aggrieved by the impugned order, filed an appeal under Section 6-C of the Act and the said appeal was allowed holding him not guilty of the charge.

There is no necessity of going into all the details. The Joint Collector absolutely has no power while dealing with the 6-A proceedings to pass such an order directing the Revenue Divisional Officer to cancel the Fair Price Shop dealership of the petitioner and also directing the A.S.O, to cancel the N.R.Licence in respect of the shop of the petitioner. They are altogether different proceedings to be taken up by the Department.

Therefore, the impugned order, to the extent indicated above, is liable to be set aside, and is accordingly set aside. The Writ Petition is accordingly allowed. No costs.

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(C.V.RAMULU, J)

Dated:04.08.2006.
vs